

**ADULTERATION AND MISBRANDING OF BUCKWHEAT FLOUR.**

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 16th day of February, 1909, in the district court of the United States for the western district of Virginia, in a prosecution by the United States against H. B. Staley and T. F. Staley, conducting business under the firm name H. B. Staley & Co., at Marion, Va., for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Virginia to West Virginia a quantity of flour labeled and branded "Marion Roller Mills Old Virginia Water Ground Buckwheat Flour Manufactured by Hull & Staley Co., Marion, Va. 12 lbs. buckwheat," which was adulterated and misbranded, in that it was not buckwheat flour, but a mixture of three-fourths buckwheat and one-fourth wheat flour, and was not manufactured by the Hull & Staley Co., the said H. B. Staley having entered a plea of guilty, the court imposed upon him a fine of \$10 and costs of the prosecution, and on motion of the United States attorney dismissed the case as to T. F. Staley.

The facts in the case were as follows:

On December 21, 1907, an inspector of the Department of Agriculture purchased from the Mercer Merchandise Company, Bluefield, W. Va., a sample of flour labeled "Marion Roller Mills Old Virginia Water Ground Buckwheat Flour, Manufactured by Hull & Staley Co., Marion, Va. 12 lbs. buckwheat." The flour had been manufactured by H. B. Staley & Co., at Marion, Va., and by this firm shipped to the Mercer Merchandise Company on or about December 11, 1907. The sample was subjected to analysis in the Bureau of Chemistry, United States Department of Agriculture, and was found to contain approximately 25 per cent of wheat flour.

It was evident that the article was both adulterated and misbranded within the meaning of sections 7 and 8 of the aforesaid act: adulterated because wheat flour had been mixed and packed with buckwheat flour, thereby reducing and lowering its quality and strength; and misbranded because labeled "Buckwheat Flour," whereas it was not buckwheat flour, but a mixture of one-fourth wheat flour and three-fourths buckwheat flour, and because it purported to have been manufactured by the Hull & Staley Co., whereas it was manufactured by H. B. Staley & Co.

The Secretary of Agriculture having afforded the manufacturers an opportunity to show any fault or error in the aforesaid analysis, and they having failed to do so, the facts were duly reported to the

Attorney-General and the case referred to the United States attorney for the western district of Virginia, who filed an information against the said H. B. Staley and T. F. Staley, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 10, 1910.*

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(N. J. 125.)

### ADULTERATION OF MILK.

(ADDED WATER.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 9th day of April, 1909, in the district court of the United States for the eastern district of Kentucky, Thomas Corbin, W. M. Ficke, W. F. Johnson, B. M. Mullins & Sons, Joseph Geiger, Theodore Groger, Henry Nostheide, Charles Peoples, jr., W. F. Hogan, J. C. Kirby, John Meiman, Owen Dunnaway, Stephen Schackle, W. H. Perry, Henry Ducker, B. Evers & Sons, and Willie Reeves, having been arraigned upon informations theretofore filed by the United States attorney severally charging them with a violation of section 2 of the aforesaid act in shipping and delivering for shipment, from places in Kentucky, to Cincinnati, Ohio, milk adulterated in this, that water had been mixed therewith so as to reduce and lower its quality and strength, and that water had been substituted in part for the milk, and having severally entered their plea of guilty, the court sentenced each of them to pay a fine of \$15.

The facts in the cases were as follows:

On September 1, 2, and 3, 1908, inspectors of the United States Department of Agriculture procured samples of milk from cans shipped to Cincinnati, Ohio, from outlying points in Kentucky. Fifteen of the consignments from which samples were taken were made to French Brothers Dairy Company by Thomas Corbin, Erlanger; W. M. Ficke, Buffington; W. F. Johnson, Demosville; B. M. Mullins & Sons, Catawba; Joseph Geiger, Erlanger; Theodore Groger, Devon; Henry Nostheide, Devon; Charles Peoples, jr., Lynn; J. C. Kirby, Lynn; John Meiman, Devon; Owen Dunnaway, Butler; Stephen Schackle, Butler; W. H. Perry, Devon; B. Evers & Sons, Sanfordtown; and Willie Reeves, Butler; one of the consignments was made to Liberty Ice Cream Company by W. F. Hogan, Devon, and one to Moreland Dairy and Creamery Company by Henry Ducker, Butler. The inspectors saw all the aforesaid consignments of milk, except that of B. Evers & Sons, which was trans-